

**FILED****BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

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Order Instituting Rulemaking to Develop an Electricity Integrated Resource Planning Framework and to Coordinate and Refine Long-Term Procurement Planning Requirements.	Rulemaking 16-02-007 (Filed February 11, 2016)
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**ADMINISTRATIVE LAW JUDGE'S RULING ON THE UNION OF CONCERNED  
SCIENTISTS' SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP**

<b>Customer (party intending to claim intervenor compensation):</b> Union of Concerned Scientists	
<b>Assigned Commissioner:</b> Liane M. Randolph	<b>Administrative Law Judge:</b> Julie A. Fitch

**PART I: PROCEDURAL ISSUES**  
(Completed by the party ("customer") intending to claim intervenor compensation)

<b>A. Status as "customer" (see Pub. Util. Code § 1802(b)):<sup>1</sup></b> The party claims "customer" status because the party is (check one):	<b>Applies (check)</b>
1. A <b>Category 1</b> customer is an actual customer whose self-interest in the proceeding arises primarily from his/her role as a customer of the utility and, at the same time, the customer must represent the broader interests of at least some other customers.  In addition to describing your own interest in the proceeding you must show how your participation goes beyond just your own self-interest and will benefit other customers.	<input type="checkbox"/>
2. A <b>Category 2</b> customer is a representative who has been authorized by actual customers to represent them. Category 2 involves a more formal arrangement where a customer or a group of customers selects a more skilled person to represent the customer's views in a proceeding. A customer or group of customers may also form or authorize a group to represent them, and the group, in turn, may authorize a representative such as an attorney to represent the group.  A representative authorized by a customer must identify the residential customer(s) being represented and provide authorization from at least one customer. See D.98-04-059 at 30.	<input type="checkbox"/>

<sup>1</sup> All statutory references are to California Public Utilities Code unless indicated otherwise.

<p>3. A <b>Category 3</b> customer is a formally organized group authorized, by its articles of incorporation or bylaws to represent the interests of residential customers or small commercial customers receiving bundled electric service from an electrical corporation.<sup>2</sup> Certain environmental groups that represent residential customers with concerns for the environment may also qualify as Category 3 customers, even if the above requirement is not specifically met in the articles or bylaws. <i>See</i> D.98-04-059, footnote at 3.</p>	<input checked="" type="checkbox"/>
<p>The party's explanation of its customer status must include the percentage of the intervenors members who are residential ratepayers or the percentage of the intervenors members who are customers receiving bundled electric service from an electrical corporation, and must include supporting documentation: (i.e., articles of incorporation or bylaws).</p> <p>UCS is a non-profit, membership organization devoted to building a healthier environment and a safer world through the use of rigorous scientific analysis, innovative thinking and committed citizen advocacy. As described in its bylaws, UCS conducts scientific and technical analysis and research in the public interest, disseminates the results of this research and analysis to the general public, and presents its views and assists members in presenting their views before administrative agencies and courts (UCS, Bylaws, Article II). UCS filed a copy of its bylaws with the Docket Office and the assigned Administrative Law Judge in R.04-04-004. Parties may request a copy from the undersigned. In an email exchange with the Public Advisor on March 21, 2014, UCS was informed that including a reference to a previous filing of the bylaws with the proceeding number for which the bylaws were filed would be sufficient for this NOI. Please see Attachment 2 for a copy of that exchange.</p> <p>UCS has actively participated in numerous proceedings before this Commission with a focus on renewable energy matters, electricity procurement, and greenhouse gas policies, with particular emphasis on integration of renewable energy into utility long-term resource plans and procurement. UCS has been ruled eligible for intervenor compensation in numerous proceedings before this Commission, including the ongoing RPS (R.11-05-005) proceeding and the now closed 2010 LTPP (R.10-05-006) proceeding. UCS was most recently granted intervenor compensation in R.11-05-005 in Decision D.15-10-016 on October 5, 2015.</p> <p>UCS has 80,000 individual members nationwide, with over 14,000 members in California, which is approximately 17.5% of total members. These members are residential electricity customers. The Commission has held:</p>	

<sup>2</sup> Intervenors representing either a group of residential customers or small commercial customers who receive bundled electric service from an electrical corporation, must indicate in Part I, Section A, Item #4 of this form, the percentage of their members who are residential customers or the percentage of their members who receive bundled electric service from an electrical corporation. The NOI may be rejected if this information is omitted.

<p>With respect to environmental groups, we have concluded they were eligible in the past with the understanding that they represent customers whose environmental interests include the concern that, e.g., regulatory policies encourage the adoption of all cost-effective conservation measures and discourage unnecessary new generating resources that are expensive and environmentally damaging. They represent customers who have a concern for the environment which distinguishes their interests from the interests represented by Commission staff, for example.” (D.88-04-066, at 3.)</p> <p>UCS respectfully requests a finding that it is a “customer” pursuant to Sec. 1802(b).</p>	
<p>Do you have any direct economic interest in outcomes of the proceeding?<sup>3</sup></p> <p>Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/></p> <p>If “Yes”, explain:</p>	
<b>B. Conflict of Interest (§ 1802.3)</b>	<b>Check</b>
1. Is the customer a representative of a group representing the interests of small commercial customers who receive bundled electric service from an electrical corporation?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2. If the answer to the above question is “Yes”, does the customer have a conflict arising from prior representation before the Commission?	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>C. Timely Filing of Notice of Intent (NOI) (§ 1804(a)(1)):</b>	<b>Check</b>
1. Is the party’s NOI filed within 30 days after a Prehearing Conference? Date of Prehearing Conference: 4/26/2016	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. Is the party’s NOI filed at another time (for example, because no Prehearing Conference was held, the proceeding will take less than 30 days, the schedule did not reasonably allow parties to identify issues within the timeframe normally permitted, or new issues have emerged)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2a. The party’s description of the reasons for filing its NOI at this other time:	
2b. The party’s information on the proceeding number, date, and decision number for any Commission decision, Commissioner ruling, Administrative Law Judge’s ruling, or other document authorizing the filing of NOI at that other time:	

<sup>3</sup> See Rule 17.1(e).

**PART II: SCOPE OF ANTICIPATED PARTICIPATION**  
**(Completed by the party (“customer”) intending to claim intervenor compensation)**

<b>A. Planned Participation (§ 1804(a)(2)(A)(i)):</b>				
<p>UCS intends to address the wide range of issues included in the development and implementation of the Integrated resource planning requirements established by the passage of SB 350. Specifically UCS plans focus its participation on developing standard assumptions and methods that all California load-serving entities should use in the development of their integrated resource plans.</p> <p>To the extent possible, UCS will coordinate its participation with other parties to avoid duplication. UCS has already demonstrated such collaboration by jointly filing comments with the Sierra Club on key technical questions related to planning assumptions and scenarios for the 2014 LTPP.</p>				
<b>B. The party’s itemized estimate of the compensation that the party expects to request, based on the anticipated duration of the proceeding (§ 1804(a)(2)(A)(ii)):</b>				
<b>Item</b>	<b>Hours</b>	<b>Rate \$</b>	<b>Total \$</b>	<b>#</b>
<b>ATTORNEY, EXPERT, AND ADVOCATE FEES</b>				
Laura Wisland, Senior Energy Analyst	200	\$150	\$30,000	
Additional analyst support (either full-time staff or consultant)	100	\$225	\$22,500	
<b>Subtotal: \$52,500</b>				
<b>OTHER FEES</b>				
n/a				
<b>COSTS</b>				
n/a				
<b>TOTAL ESTIMATE: \$52,500</b>				
<p>Estimated Budget by Issues:</p> <p>UCS can provide a very rough estimate of the allocation of our estimated costs by issue area:</p> <ul style="list-style-type: none"> <li>• IRP requirements of section 454.51 (45%)</li> <li>• Requirements of section 454.52 (45%)</li> <li>• Procurement plans for each load-serving entity (10%)</li> </ul>				

**PART III: SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP**  
**(Completed by party (“customer”) intending to claim intervenor compensation)**

<b>A. The party claims “significant financial hardship” for its Intervenor Compensation Claim in this proceeding on the following basis:</b>	<b>Applies (check)</b>
1. “[T]he customer cannot afford, without undue hardship, to pay the costs of effective participation, including advocate’s fees, expert witness fees, and other reasonable costs of participation” (§ 1802(g)); or	<input type="checkbox"/>

2. “[I]n the case of a group or organization, the economic interest of the Individual members of the group or organization is small in comparison to the costs of effective participation in the proceeding” (§ 1802(g)).	<input type="checkbox"/>
<p>3. A § 1802(g) finding of significant financial hardship in another proceeding, made within one year prior to the commencement of this proceeding, created a rebuttable presumption in this proceeding ( § 1804(b)(1)).</p> <p>Commission’s finding of significant financial hardship made in proceeding number:</p> <p>R.11-05-005</p> <p>Date of Administrative Law Judge’s Ruling (or CPUC Decision) in which the finding of significant financial hardship was made:</p> <p>D.15-10-016</p>	<input checked="" type="checkbox"/>
<b>B. The party’s explanation of the factual basis for its claim of “significant financial hardship” (§ 1802(g)) (necessary documentation, if warranted, is attached to the NOI:</b>	
<p>“Significant financial hardship” means, in the case of a group or organization, the economic interest of the individual members of the group or organization is small in comparison to the costs of effective participation in the proceeding. The Commission has held that organizations with individual members who have annual utility bills of less than \$50,000 possess economic interests that are small in comparison to the costs required to participate in the proceeding. (D.95-02-093, at 4). According to the Commission, an “individual member” means individual members, not the collective membership. UCS meets this test for significant financial hardship. Although there is no survey of the electricity bills of its membership, it can be stated with confidence that the average annual residential utility bill does not exceed \$50,000. Because UCS represents individual ratepayers, the economic interests of its membership are small compared to cost of participation in this proceeding.</p>	

## ADMINISTRATIVE LAW JUDGE RULING

<p><b>1. The Notice of Intent (NOI) is granted subject to filing an amended NOI, as directed in sec. 3 of this ruling (“Additional Guidance”).</b></p> <p>Union of Concerned Scientists (UCS) claims it is eligible under §1802(b)(1)(C) as an organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential customers. Section 1802(b)(1)(C) organizations must provide a copy of articles of incorporation or bylaws demonstrating the intervenor’s customer status or make a reference to the previous filing (Rule 17.1 of the Commission Rules of Practice and Procedure). UCS states that a copy of its by-laws was filed in R.04-04-003.<sup>4</sup> UCS filed several NOIs in that proceeding; however, they did not have a copy of UCS’s governing documents attached.</p>	<input checked="" type="checkbox"/>
<p><b>2. The NOI has demonstrated significant financial hardship for the reasons set forth in Part III of the NOI (above).</b></p> <p>Section 1802(b)(1)(C) organizations must demonstrate that the economic interest of the individual members of the organization is small in comparison to the costs of effective participation (§1802(g)). The administrative law judge issues a ruling addressing whether a showing of significant financial hardship has been made. A finding of significant financial hardship creates a rebuttable presumption of eligibility in other proceedings commencing within one year of the date of that finding (§1804(b)(1)).</p> <p>There is no recent finding of significant financial hardship pursuant to §1802(g). UCS makes a reference to D.15-10-016 that relied on the much earlier determination of significant financial hardship (made in 2006 and carried over to 2011).<sup>5</sup> That determination is not applicable to this proceeding since more than a year expired between that finding and the commencement of this rulemaking (<i>see</i> §1804(b)(1)).</p>	<input checked="" type="checkbox"/>

<sup>4</sup> UCS indicates R.04-04-004; however, no such proceeding exists.

<sup>5</sup> D.15-10-016 at 2.

I accept, however, UCS's showing of significant financial hardship made in Part III(B), subject to filing an amended NOI ( <i>see</i> , sec. 3, "Additional Guidance," below).	
<b>3. The Administrative Law Judge provides the following additional guidance (<i>see</i> § 1804(b)(2)):</b>  This ruling directs UCS to complete its showing of the customer status. Within 10 days of this ruling, UCS must file an amended NOI providing copies of UCS's current Articles of Incorporation and By-laws, duly dated and signed.	<input type="checkbox"/>

**IT IS RULED** that:

1. Union of Concerned Scientists (Customer) has satisfied the eligibility requirements of Pub. Util. Code § 1804(a).	<input checked="" type="checkbox"/>
2. The Customer is preliminarily determined to be eligible for intervenor compensation in this proceeding, subject to filing an amended Notice of Intent to Claim Intervenor Compensation as set forth in sec. 3, above, within ten days of the date of this ruling. However, a finding of significant financial hardship in no way ensures compensation.	<input checked="" type="checkbox"/>
3. Additional guidance is provided to the Customer as set forth above.	<input checked="" type="checkbox"/>

Dated August 1, 2016, at San Francisco, California.

/s/ JULIE A. FITCH  
Julie A. Fitch  
Administrative Law Judge